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7 ACP, INC.,
8 Plaintiff,
9 v.
10 SKYPATROL, LLC, et al.,
11 Defendants.

12 Case No. [13-cv-01572-PJH](#) (MEJ)

13 **ORDER RE: MOTION TO FILE UNDER
14 SEAL**

15 Re: Dkt. No. 112

16 In connection with a joint discovery letter (*see* Rog. Ltr., Dkt. No. 111), Plaintiff ACP, Inc.
17 (“ACP”) seeks to file under seal portions of Defendant Gordon Howard Associates, Inc.’s
18 (“Gordon Howard”) Response to ACP’s First Set of Interrogatories (the “Response”). Mot., Dkt.
19 No. 112. ACP explains the parties intend to file Gordon Howard’s Response to be Exhibit A to
20 their joint discovery letter. *Id.* at 1; *see* Rog. Ltr. Specifically, ACP requests certain redactions
21 located on (1) page 6, line 7; (2) page 7, line 17; (3) page 8, line 7; (4) page 16, lines 15 and 16;
22 and (5) page 23, lines 3, 4, 5, and 6. *Id.*; *see id.*, Ex. A (proposed redactions). ACP contends
Gordon Howard designated these portions as “Confidential” or “Highly Confidential – Attorneys’
Eyes Only.” Mot. at 1. Gordon Howard did not respond to the Motion. For the reasons set forth
below, the Court **DENIES** ACP’s Motion.

23 **DISCUSSION**

24 The good cause standard applies here. *See Oliner v. Kontrabecki*, 745 F.3d 1024, 1026
25 (9th Cir. 2014) (the “less exacting ‘good cause’ standard applies to private materials unearthed
26 during discovery[.]” (internal quotation marks omitted)). ACP’s only basis for sealing portions of
27 Gordon Howard’s Response is that Gordon Howard designated them as “Confidential” or “Highly
28 Confidential – Attorneys’ Eyes Only” pursuant to the parties’ Stipulated Protective Order. Mot. at

1 1. This alone is insufficient to justify sealing. *See* Civ. L.R. 79-5 (d)(1)(A) (“Reference to a
2 stipulation or protective order that allows a party to designate certain documents as confidential is
3 not sufficient to establish that a document, or portions thereof, are sealable.”). Rather,

4 [i]f the Submitting Party is seeking to file under seal a document
5 designated as confidential by the opposing party or a non-party
6 pursuant to a protective order . . . [w]ithin 4 days of the filing of
the Administrative Motion to File Under Seal, the Designating Party
must file a declaration as required by subsection 79-5(d)(1)(A)
establishing that all of the designated material is sealable.
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8 Civ. L.R. 79-5(e)(1). Gordon Howard, as the Designating Party, did not file a declaration as
9 required by Civil Local Rule 79-5(e)(1) and thus fails to establish that good causes exists to accept
10 ACP’s proposed redactions.

11 **CONCLUSION**

12 The Court **DENIES** ACP’s Motion to File Under Seal. ACP shall file an unredacted
13 version of Gordon Howard’s Response by **February 3, 2017**.

14 **IT IS SO ORDERED.**

15 Dated: January 30, 2017



MARIA-ELENA JAMES
United States Magistrate Judge